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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Naoyuki Oe

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EXAMINER

GILLIS, BRIAN J

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,106	OE ET AL.	
	Examiner	Art Unit	
	Brian J. Gillis	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-10,12,15-19,21,24-28,30-43 and 57-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-10,12,14-19,21,24-28,30-43 and 57-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03012006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 33-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said interception step" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "the operating system" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "said receiving means" in lines 14-15. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "the operating system" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "said receiving means" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "the operating system" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "said receiving means" in line 15. There is insufficient antecedent basis for this limitation in the claim.

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Claim 36 recites the limitation "said management table" in lines 20-21. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "the operating system" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 38 recites the limitation "said receiving step" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim.

Claim 38 recites the limitation "said management table" in lines 21-22. There is insufficient antecedent basis for this limitation in the claim.

Claim 38 recites the limitation "said receiving step" in line 26. There is insufficient antecedent basis for this limitation in the claim.

Claim 39 recites the limitation "the operating system" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim 39 recites the limitation "said receiving means" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "said receiving step" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "said management table" in lines 21-22. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "said receiving step" in line 26. There is insufficient antecedent basis for this limitation in the claim.

Claim 41 recites the limitation "the operating system" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 41 recites the limitation "said receiving means" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 42 recites the limitation "said receiving step" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim.

Claim 42 recites the limitation "said management table" in lines 21-22. There is insufficient antecedent basis for this limitation in the claim.

Claim 43 recites the limitation "the operating system" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 43 recites the limitation "said receiving means" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 28, 30, 31, 35, 42, 43, and 60 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 28, 30, 31, 35, 42, 43, and 60 are directed to a computer program. Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's

functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6, 10, 12, 15, 19, 21, 24, 28, 31-43, and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunnicutt et al (US Patent #5,889,952) in view of Makinson et al (US Patent #6,971,023).

Claims 1, 10, 19, and 28 disclose an information processing method, apparatus, storage medium, and program of controlling access to computer resources managed by an operating system in a computer comprising: a storing step of storing a management table in a storage medium, wherein said management table provides, for each computer resource managed by the operating system, access right information representing access rights for outputting each computer resource to another computer resource, and conditions under which the access right is validated; an interception step of intercepting an operation request for a computer resource from a process, before the operation

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request is transferred to the operating system; a determination step of, when an operation request intercepted in said interception step represents outputting a first computer resource to a second computer resource, comparing access right information of the first computer resource with access right information of the second computer resource, determining whether a combination of the first and second computer resources satisfies a condition under which an access right is validated, and determining whether the process has an access right for outputting the first computer resource to the second computer resource; a processing step of, if it is determined in said determination step that the process has the access right for outputting the first computer resource to the second computer resource, transferring the operation request to the operating system and returning a result from the operating system to the process; and a denial step of denying the operation request, if it is determined in the determination step that the process does not have the access right for outputting the first computer resource to the second computer resource. Hunnicutt et al teaches of an access control list, which can be associated to a single file, or a list of files, which contains information on which users have access and what types of rights are allowed to the specific user (column 4, lines 44-49, column 5, lines 15-19, figure 3), a check system which compares the access rights of the first resource to a second resource, (column 5, lines 54-67), determining whether a valid match is made and if so the request is validated (column 5, lines 54-67), and since the request has access to the resource the resource is outputted (column 5, lines 54-67), if a matching access permission exists then access to the file is granted (column 5, lines 58-61), and if no

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permission is granted an error message is generated to the user denying access (figure 5). It fails to teach of intercepting an operation request for a computer resource from a process, before the operation request is transferred to the operating system. Makinson et al teaches of scanning access requests prior to servicing by an operating system, the scanning includes requests for outputting a first resource to a second resource (column 4, lines 23-45).

Hunnicutt et al and Makinson et al are analogous art because they are both related to controlling access to computer resources.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the scanning process in Makinson et al with the system in Hunnicutt et al because the scanning of requests can increase overall performance of the system (Makinson, column 1, lines 49-53).

Claims 3 and 12 disclose the method and apparatus according to claim 1, wherein said access right information designates an access right that is extended but not defined in an existing environment. Hunnicutt et al further teaches of using access control lists for different levels of control on the server (column 5, lines 8-25).

Claim 21 discloses the storage medium according to claim 19, wherein said determination step, includes determining whether the access right is present by looking up an access right management table containing resource designation information that designates a specific computer resource, condition information under which the access right is validated, and access right information that designates an access right that is extended but not defined in an existing environment. Hunnicutt et al further teaches of

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an access control list, which can be associated to a single file, or a list of files. The list contains which users have access and what types of rights are allowed to the specific user (column 4, lines 44-49, column 5, lines 8-25, figure 3).

Claims 6, 15, and 24 disclose the method, apparatus, and storage medium according to claims 3, 12, and 21, wherein the access right information contains information that designates at least one of a right to move to another medium, a right to copy to another medium, a right to print, a right to write to a shared memory, a right to capture a screen, and a right to restrict use processes. Hunnicutt et al further teaches of an access control list, which each file objected has associated with it. The list contains access control entries, which defines what type of access the user has, one option is full control, which allows manipulation in any way possible (column 4, lines 63-67).

Claim 31 discloses the program according to claim 28, wherein the computer resource includes contents of a Web cast, digital broadcasting, and music distribution. Hunnicutt et al further teaches of the resources being on a file level which means each file object stored on a server (column 4, lines 44-49, 56-57).

Claims 32, 33, 34, and 35 disclose a system, control method, storage medium, and program for an information processing system constituted by connecting first and second terminals through a communication network, comprising: an interception step of intercepting, an operation request for a computer resource of the second terminal from a process in the first terminal, before the computer resource of the second terminal is accessed via an operating system of the first terminal, and a determination step of,

when an operation request received by said receiving means represents outputting a first computer resource to a second computer resource, comparing access right information of the first computer resource with access right information of the second computer resource, determining whether a combination of the first and second computer resources satisfies a condition under which an access right is validated, and determining whether the process has an access right for outputting the first computer resource to the second computer resource; a processing step of, if it is determined in said determination step that the process has the access right for outputting the first computer resource to the second computer resource, transferring the operation request to the operating system in the first terminal and returning a result from the operating system to the process in the first terminal; and a denial step of denying the operation request if it is determined in said determination step that the process does not have the access right for outputting the first computer resource to the second computer resource. Hunnicutt et al teaches of an access control list, which can be associated to a single file, or a list of files, which contains information on which users have access and what types of rights are allowed to the specific user (column 4, lines 44-49, column 5, lines 15-19, figure 3), a check system which compares the access rights of the first resource to a second resource, (column 5, lines 54-67), determining whether a valid match is made and if so the request is validated (column 5, lines 54-67), and since the request has access to the resource the resource is outputted (column 5, lines 54-67), if a matching access permission exists then access to the file is granted (column 5, lines 58-61), and if no permission is granted an error message is generated to the user denying access

(figure 5). It fails to teach of intercepting an operation request for a computer resource from a process, before the operation request is transferred to the operating system. Makinson et al teaches of scanning access requests prior to servicing by an operating system, the scanning includes requests for outputting a first resource to a second resource (column 4, lines 23-45).

Hunnicut et al and Makinson et al are analogous art because they are both related to controlling access to computer resources.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the scanning process in Makinson et al with the system in Hunnicutt et al because the scanning of requests can increase overall performance of the system (Makinson, column 1, lines 49-53).

Claims 36, 38, 40, and 42 disclose an apparatus, method, storage medium, and program connected to a terminal through a communication network, comprising: an interception step of intercepting, an operation request for a computer resource of the terminal from a process, before the computer resource of the terminal is accessed via an operating system of the information processing apparatus, and a transmitting step of transmitting the operation request intercepted in said interception step to the terminal; a reception step of receiving a reply to the operation request from the terminal, wherein the terminal, when an operation request received in said receiving step represents outputting a first computer resource of the terminal to a second computer resource, compares access right information of the first computer resource with access right information of the second computer resource, determines whether a combination of the

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first and second computer resources satisfies a condition under which an access right is validated, and determines whether the process has an access right for outputting the first computer resource to the second computer resource, wherein said management table provides, for each computer resource managed by the operating system of the terminal, access right information representing access rights for outputting each computer resource to another computer resource, and conditions under which the access right is validated, wherein in said receiving step a determination result determined by the terminal is received as the reply. Hunnicutt et al teaches of the server communicating with other servers and clients using a standard communications protocol (column 3, lines 37-39, figure 1), an access control list, which can be associated to a single file, or a list of files, which contains information on which users have access and what types of rights are allowed to the specific user (column 4, lines 44-49, column 5, lines 15-19, figure 3), a check system which compares the access rights of the first resource to a second resource, (column 5, lines 54-67), determining whether a valid match is made and if so the request is validated (column 5, lines 54-67), and since the request has access to the resource the resource is outputted (column 5, lines 54-67), if a matching access permission exists then access to the file is granted (column 5, lines 58-61), and if no permission is granted an error message is generated to the user denying access (figure 5). It fails to teach of intercepting an operation request for a computer resource from a process, before the operation request is transferred to the operating system. Makinson et al teaches of scanning access

requests prior to servicing by an operating system, the scanning includes requests for outputting a first resource to a second resource (column 4, lines 23-45).

Hunnicut et al and Makinson et al are analogous art because they are both related to controlling access to computer resources.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the scanning process in Makinson et al with the system in Hunnicutt et al because the scanning of requests can increase overall performance of the system (Makinson, column 1, lines 49-53).

Claims 37, 39, 41, and 43 disclose an apparatus, method, storage medium, and program connected to a terminal through a communication network, comprising: a storing step of storing a management table in a storage medium, wherein said management table provides, for each computer resource managed by the operating system of the information processing apparatus, access right information representing access rights for outputting each computer resource to another computer resource, and conditions under which the access right is validated; a receiving step of receiving an operation request for a computer resource of the information processing apparatus from a process of the terminal, intercepted by the terminal, before the computer resource of the information processing apparatus is accessed via an operating system of the information processing apparatus; a determination step of, when an operation request received by said receiving means represents outputting a first computer resource to a second computer resource, comparing access right information of the first computer resource with access right information of the second computer resource, determining

whether a combination of the first and second computer resources satisfies a condition under which an access right is validated, and determining whether the process has an access right for outputting the first computer resource to the second computer resource; a processing step of, if it is determined in said determination step that the process has the access right for outputting the first computer resource to the second computer resource, transferring the operation request to the operating system in the terminal and returning a result to a process in the terminal; and a denial step of denying the operation request if it is determined in said determination step that the process does not had the access right for outputting the first computer resource to the second computer resource. Hunnicutt et al teaches of a server communicating with other servers and clients using a standard communications protocol (column 3, lines 37-39, figure 1), an access control list, which can be associated to a single file, or a list of files, which contains information on which users have access and what types of rights are allowed to the specific user (column 4, lines 44-49, column 5, lines 15-19, figure 3), a check system on the server which determines if there is an access permission that allows the requesting user access (column 5, lines 54-58, figure 1), a check system which compares the access rights of the first resource to a second resource, (column 5, lines 54-67), determining whether a valid match is made and if so the request is validated (column 5, lines 54-67), and since the request has access to the resource the resource is outputted (column 5, lines 54-67), if a matching access permission exists then access to the file is granted (column 5, lines 58-61, figure 1), and if no permission is granted an error message is generated to the user denying access (figure 5). It fails to teach of intercepting an

operation request for a computer resource from a process, before the operation request is transferred to the operating system. Makinson et al teaches of scanning access requests prior to servicing by an operating system, the scanning includes requests for outputting a first resource to a second resource (column 4, lines 23-45).

Hunnicutt et al and Makinson et al are analogous art because they are both related to controlling access to computer resources.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the scanning process in Makinson et al with the system in Hunnicutt et al because the scanning of requests can increase overall performance of the system (Makinson, column 1, lines 49-53).

Claims 57, 58, 59, and 60 disclose the method, apparatus, medium, and program according to claims 1, 10, 19, and 28 wherein said interception step further comprises intercepting an operation request from the operating system before access to a computer resource. Makinson et al further teaches of intercepting a request from the operating system before access to a computer resource (column 4, lines 23-45).

Claims 7-9, 16-18, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunnicutt et al (US Patent #5,889,952) in view of Makinson et al (US Patent #6,971,023) as applied to claims 1, 10, and 19 above, and further in view of Miller et al (US Patent #5,550,968).

Claims 7, 16, and 25 disclose the method, apparatus, and storage medium according to claims 1, 10, and 19, wherein in said denial step, an access denial error message is returned to the process without any access to the requested computer

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resource. Hunnicutt et al in view of Makinson et al teaches of the limitations of claims 1, 10, and 19, as recited above. It fails to teach of returning a denial error message. Miller et al teaches of informing the user of an incorrect password (column 9, lines 32-38, figure 5B).

Hunnicutt et al in view of Makinson et al and Miller et al are analogous art because they are both related to providing access control to resources.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the incorrect password technique in Miller et al with the system in Hunnicutt et al in view of Makinson et al because security is provided for individual controls within a window of an interface (Miller et al, column 2, lines 8-10).

Claims 8, 17, and 26 disclose the method, apparatus, and storage medium according to claims 1, 10, and 19, wherein in the denial step, a successful access message is returned to the request source process without any access to the requested computer resource. Hunnicutt et al in view of Makinson et al teaches of the limitations of claims 1, 10, and 19 as recited above. It fails to teach of returning a success message without access to the request resource. Miller et al teaches of returning a window, as a user would see if access was successful, but with the controls obscured when access is denied (column 9, lines 41-44).

Hunnicutt et al in view of Makinson et al and Miller et al are analogous art because they are both related to providing access control to resources.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the incorrect password technique in Miller et al with the system in

Hunnicut et al in view of Makinson et al because security is provided for individual controls within a window of an interface (Miller et al, column 2, lines 8-10).

Claims 9, 18, and 27 disclose the method according to claims 1, 10, and 19; wherein in said denial step, the operation request is converted into an operation request for a dummy computer resource and transferred to the operating system, and a result from the operating system is returned to the process. Hunnicutt et al in view of Makinson et al teaches of the limitations of claims 1, 10, and 19, as recited above. It fails to teach of converting the actual request into a request for a dummy resource and returning a result from the operating system. Miller et al teaches of a system which returns to a step if the password entry subroutine is ended and displays the window as a user would see if the access was granted but with some fields obscured to the user (column 9, lines 41-44).

Hunnicut et al in view of Makinson et al and Miller et al are analogous art because they are both related to providing access control to resources.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the incorrect password technique in Miller et al with the system in Hunnicutt et al in view of Makinson et al because security is provided for individual controls within a window of an interface (Miller et al, column 2, lines 8-10).

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunnicutt et al (US Patent #5,889,952) in view of Makinson et al (US Patent #6,971,023) as applied to claim 28 above, and further in view of New, JR. et al (US PG PUB #US2003/0028653).

Claim 30 discloses the program according to claim 28, wherein if it is determined in the determination step that no access right is present, and access is denied in the denial step, an access right is permitted by inputting charging information. Hunnicutt et al in view of Makinson et al teaches of the limitations of claim 28 as recited above. It fails to teach of granting access rights by charging the requester. New JR. et al teaches of billing the user if the requester has insufficient credit (figure 4).

Hunnicutt et al in view of Makinson et al and New JR. et al are analogous art because they are both related to providing access to computer resources.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the traps in New JR. et al with the system in Hunnicutt et al in view of Makinson et al because the system provides added security by preventing unauthorized copies of programs (New JR. et al, paragraph 33, lines 8-13).

Response to Arguments

Applicant's arguments with respect to claims 1, 10, 19, 28, and 31-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pereira (US Patent #5,809,230) teaches of controlling access to personal computer system resources. Tarbotton et al (US PG PUB US2002/0133710) teaches of mechanisms for banning computer programs from use by scanning files and requests.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian J Gillis
Examiner
Art Unit 2141

BJG



JASON CARDONE
SUPERVISORY PATENT EXAMINER